

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

MINNIE P. COMMON,)
)
Plaintiff,)
)
v.) No. 1:05-cv-235
) *Edgar*
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff Minnie P. Common brings this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking judicial review of the final administrative decision of the Commissioner of Social Security denying her a period of disability and disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 416(i) and 423. This case was referred to United States Magistrate Judge Susan K. Lee pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b) for a report and recommendation. The Magistrate Judge filed her report and recommendation on August 2, 2006. [Doc. No. 24]. The parties have not timely filed any objections.

After reviewing the record, the Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b). The plaintiff's motion for summary judgment [Doc. No. 16] is **DENIED**. The defendant's motion for summary judgment [Doc. No. 22] is **GRANTED** pursuant to Fed. R. Civ. P. 56. The administrative decision of the

Commissioner of Social Security will be **AFFIRMED**, and the plaintiff's complaint will be **DISMISSED WITH PREJUDICE** with each party to bear their own costs of this action. The Clerk of Court is **DIRECTED** to enter a separate final judgment in accordance with this memorandum opinion and order. The Clerk of Court shall close the record in this case.

SO ORDERED.

ENTER this the 21st day of August, 2006.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE